

REMARKS

The Examiner has rejected pending claims 1-33 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of United States Patent No. 6,281,790.

Filed herewith is a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent executed by the owner of the above-captioned application number 10/069,788. A Statement under 37 CFR 3.73(b) establishing the right to act on behalf of the assignee with regard to the above-captioned application has been previously filed. The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991). The filing of a terminal disclaimer serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection. *Id.*; M.P.E.P. § 804.02. Based upon filing of the Disclaimer and accompanying fee, Applicant respectfully submits that all of the obviousness-type double patenting rejections should be withdrawn.

CONCLUSION

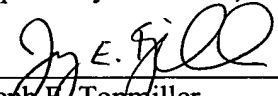
Prompt and favorable consideration of this Amendment is respectfully requested. All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: May 7, 2004

Respectfully submitted,

By


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